

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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DAVID J BEAULIEU,

Plaintiff,

Case No. 24-cv-964-bhl

v.

ANDREW HERRMANN and DETECTIVE  
GLEN NETTESHEIM

Defendants.

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**ORDER DENYING MOTION FOR DEFAULT JUDGMENT**

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In this civil rights case, *pro se* Plaintiff David Beaulieu alleges that Assistant Walworth County District Attorney Andrew Herrmann and Lake Geneva Police Detective Glen Nettesheim violated his constitutional rights in connection with Beaulieu's arrest and prosecution in state court. (*See* ECF No. 15.) Plaintiff filed the operative amended complaint in this case on October 31, 2024. (*Id.*) Defendant Nettesheim has moved to dismiss, (ECF No. 19), but Defendant Herrmann has yet to appear. Now pending before the Court is Plaintiff's December 16, 2024 motion for default judgment against Herrmann. (ECF No. 22.)

Plaintiff's motion is premature and will be denied. As Plaintiff acknowledges, Federal Rule of Civil Procedure 55 provides a two-step process for obtaining a default judgment. Before moving the Court for default judgment, a party must ask the Clerk to enter default. *See* Fed. R. Civ. P. 55(a). Only after the Clerk enters default can that party move for default judgment under Rule 55(b). *See VLM Food Trading Int'l, Inc. v. Ill. Trading Co.*, 811 F.3d 247, 255 (7th Cir. 2016). Plaintiff has not asked and the Clerk has not entered default against Herrmann. Accordingly, the Court will deny Plaintiff's motion.

The Court also notes that it is not clear that Plaintiff has properly served Defendant Herrmann. If Plaintiff chooses to ask the Clerk to enter default against Herrmann, he should ensure that his request is accompanied by proof that Herrmann has been properly served with the amended complaint in accordance with the Federal Rules of Civil Procedure and Wisconsin law.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Default Judgment, ECF No. 22, is **DENIED**.

Dated at Milwaukee, Wisconsin on December 20, 2024.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge